

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

In re: JOHN IVAN KOCAC,

Debtor/Appellant,

Case No. 1:20-mc-00026-AWI-SKO

B.A.P. No. EC-19-1261

Bk. No. 18-11947

**ORDER ADOPTING FINDINGS AND
RECOMMENDATION TO DENY
APPELLANT'S MOTION TO PROCEED
IN FORMA PAUPERIS ON APPEAL TO
THE NINTH CIRCUIT BANKRUPTCY
APPELLATE PANEL**

(Doc. No. 2)

This matter comes before the Court on Appellant John Ivan Kocak's ("Appellant") motion to proceed *in forma pauperis* on appeal before the United States Bankruptcy Appellate Panel of the Ninth Circuit ("BAP"). (Doc. No. 1.) As the BAP lacks authority to grant or deny a motion to proceed *in forma pauperis* under 28 U.S.C. § 1915(a), *Perroton v. Gray (In re Perroton)*, 958 F.2d 889 (9th Cir. 1992); *Determan v. Sandoval (In re Sandoval)*, 186 B.R. 490, 496 (9th Cir. BAP 1995), the BAP transferred Appellant's motion to proceed *in forma pauperis* to this Court.

In accordance with 28 U.S.C. § 636 and Local Rule 302, on May 29, 2020, the assigned magistrate judge issued findings and recommendations recommending that Appellant's motion to proceed *in forma pauperis* on appeal be denied under 28 U.S.C. § 1915(a)(3) because the appeal is not taken in good faith, relying in part on the bankruptcy court's certification that the appeal is not taken in good faith. (Doc. No. 2.) The findings and recommendations were mailed to Appellant's address on the docket and contained notice that any objections were to be filed within fourteen (14) days. (*Id.*) No objections have been filed.

Pursuant to the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a *de novo* review of the case. Having carefully reviewed the entire file, the court finds that the findings and recommendation are supported by the record and proper analysis.

ORDER

Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendation dated May 29, 2020 (Doc. No. 2), are
ADOPTED IN FULL;
2. Appellant's motion to proceed *in forma pauperis* on appeal (Doc. No. 1) is
DENIED;
3. This matter is REFERRED BACK to the Ninth Circuit Bankruptcy Appellate
Panel; and
4. The Clerk is directed to CLOSE this case.

IT IS SO ORDERED.

Dated: June 17, 2020



SENIOR DISTRICT JUDGE